

1904-013
Lee Co.

Chancery Causes: Matilda Sutton vs. J. F. Chadwell &c

Minton, Eastern Kentucky Land Co., Cockrell

CA - Debt
T - Property

To the Honorable H.A.W.Skeen, Judge of the Circuit Court
of Lee County, Virginia:

Humbly complaining your Oratrix, Matilda Sutton, will show your Honor, that one J.F.Chadwell is justly indebted to her in the sum of \$36.36, and that the same is evidenced by the writing obligatory of the said J.F.Chadwell made on the 17th day of September, 1898 and due one day after the date thereof for the sum of \$73.14, which writing obligatory is to the Court now shown, and is filed herewith as "Exhibit A".

Your oratrix will further show your Honor that although said debt has been long due, the said Chadwell has hitherto wholly refused and failed to pay any part of said note except the sum of \$10.00 which was paid to your Oratrix on the 3th day of January, 1900, and is endorsed as a credit thereon, and all the balance of said debt amounting to the sum of \$36.36 is now due your Oratrix.

Your Oratrix will now further show your Honor that the said J.F.Chadwell is not a resident of the State of Virginia, but that he has effects and estate due him in Virginia. Said estate is a lot or lots ^{of land} situated at Cumberland Gap in Lee County, Virginia, being lots C. and D conveyed to the said J.F.Chadwell and D.C.Minton by the Eastern Kentucky Land Company, a corporation organized under the laws of Kentucky and doing business in Virginia, by deed bearing date on the 1st day of February, 1890, which deed is duly recorded in the Clerk's Office of the County Court of Lee County, Virginia, in Deed Book No. 34, page 74 &c., a copy of which deed is filed ^{as part} ~~herof~~, as a part herof makred "Exhibit B". Your Oratrix has been informed, she believes and charges, that the whole of the real estate described in said deed is now the property of the said J.F.Chadwell, he having purchased the interest of the said D.C.Minton therein, but that no conveyance of said interest has been made to him, or if made the same has not been recorded.

It will be seen by an inspection of said deed that \$100.00 of the purchase price of said lot ^a was paid in cash at the time of said conveyance and a lien retained by said Eastern Kentucky Land Company

for \$100.00 the residue of said purchase price.

Your Oratrix will now show your Honor that she has been informed, believes and charges that said \$100.00, for which said lien was retained has been paid fully, though the same has not been marked satisfied nor released upon the deed book of Lee County. *There are no other liens on said lots and they will not suit for*

Now the object of this bill is to collect the aforesaid debt, and for that purpose to subject the interest whatever it may be of the said J.F.Chadwell in said lot^s, and for this purpose to attach the same and hold it subject to the order of the Court, and to this end she

prays that J.F.Chadwell, D.C.Minton and the Eastern Kentucky Land Company be made the parties defendat to this bill, *and required to answer this same* but not under oath

as that is waived; that the said J.F.Chadwell answer and state what interest he owns in said lot^s; that the said D.C.Minton answer and say

if he has not sold his interest in said lots to the said J.F.Chadwell and been fully paid therefor; that the said Eastern Kentucky

Land Company answer and say if the purchase price for said lots has not been fully paid to it; that it be required to release said lien,

and that the said D.C.Minton be required to convey his interest in said lot; that order of publication be duly made, published, posted and

completed against the said J.F.Chadwell and D.C.Minton, both of whom are non-residents of the sate of Virginia; and that upon a final hearing,

said lots, or the interest of said J.F.Chadwell therein be sold and the proceeds, or sufficiency thereof be applied to the payment of

your Oratrix's debt and the cost of this suit; and for full general relief. May spa. issue &c.

A M Goins
C. T. Newman) p.q.
+ G P Bridlee

enough in fire here to pay said debt interest and costs

Plaintiffs Costs

Pd. = Clerk 8.26

Pd. = Tax 1.50

Pd. = Shuff 2.50

Pd. = atty 15.00

Pd. = Printer 8.00

Pd. = Estimated 36

Co C 28

435.87

accumulated costs

436.59

Matilda Sutton

vs. { In Chy.

J. F. Chadwell et al

Bill

1903 1st February rules

Bill filed Sumo ex parte

D. M.

" 2nd February rules

D. M. Confd + Cause

set for hearing

Matilda Sutton, Complt.)
vs.)
J.F.Chadwell et al.,. Defts.) In Chy.

Upon the calling of this cause at this term, the complainant,
acknowledging the payment in full of the debt set out in the bill
and proceedings, doth hereby dismiss her suit.

Matilda Sutton
vs. } Decree Final
J. F. Chadwell et al.

Exc. C. O. B. No 7 p. 383

Enter this decree,
this Feb. 15, 1904,
H. A. W. Stone

Matilda Sutton,	Complt.,)
vs.) IN CHANCERY.
J.F.Chadwell, D.C.Minton and the Eastern)
Kentucky Land Company,Defts.)

This cause came on this day to be heard upon the bill of the complainant and exhibits filed therewith and the attachment issued against the real estate of the defendant J.F.Chadwell, and was argued by counsel. On consideration of all which, and it appearing to the court that process had been duly served for more than 15 days prior to the first day of the term of this court on the defendant, the Eastern Kentucky Land Co., as required by law, and that order of publication has been duly made, published ~~and~~ ^{and completed} posted against the non-resident defendants, J.F.Chadwell and D.C.Minton, and they each and all failing to appear, plead or answer, the bill of the complainant is taken for confessed as to each of said defendants. It is therefore adjudged, ordered and decreed that the complainant recover of the defendant J.F.Chadwell the sum of \$73.14, with interest thereon from the 17th day of September, 1896, till paid, subject to a credit of \$10.00, January 8th, 1900, and the cost of this suit and the attachment herein issued. And it appearing to the court that the defendant J.F.Chadwell is not a resident of this state, but that he has real estate in this county, and that an attachment has been issued in this suit and levied upon said real estate, it is further adjudged, ordered and decreed that unless the judgment of the complainant, with the interest thereon and the cost of this suit and attachment, be not paid within 30 days, then A.M.Goins who is hereby appointed a special commissioner for the purpose, after advertising the time, terms and place of sale, by posting written or printed notices at the front door of the court-house, in the neighborhood of the land, and at such other places as he may think proper, for at least 30 days, shall, at public outcry, at the front door of the court-house, on the first day of some court, proceed to sell, to the highest and best bidder, on a credit of one and two years time, except a sum sufficient to pay the cost of this suit and the commissions of sale, which the commissioner shall require paid in hand, the land and premises attached in this suit, or so much thereof as may be necessary to pay the debt of the complainant, the interest thereon, the cost of this suit and attachment, and the commissions of sale. For the deferred payments the commis-

sioner shall take bonds payable to himself, bearing interest from date of sale; but before entering upon the duties required of him under this decree said commissioner shall execute bond before the clerk of this court in the penalty of \$300.00, conditioned as required and before the Plaintiff can have the benefit of this by law. He will report his action to this court at the next term, and this cause is continued.

Now the shall give bond before the clerk of this court in the sum of one hundred and fifty dollars to abide and perform all such further order as the court may make in the event said defendant shall neglect come in and defend this case

Matilda Sutton

vs. f Decree.

J. F. Chadwell et al

Cut, C.B. 7, P. 227,

Enter this Decree,
this Mar 4th, 1903,

H. C. W. Stearns

\$73.14

One day after date
I bind my self to pay
Matilda Sutton seventy
three dollars and fourteen
~~for~~ cents for balance of
of her as witness my
hand and seal this the 17
day of Sept 1896
J H Chadwell Seal

Jan. 8th 1906
Cr. by Cash \$ 10⁰⁰

~~Aug 13 1901
= Cr. by Cash
\$ 14⁰⁰~~

In the Clerk's Office of the Circuit Court of the County of
Lee, January 2nd 1903

Matilda Sutton - - - Plaintiff

In Cley.

vs.
J. F. Chadwell, D. C. Minton
and the Eastern Kentucky Land
Company, a corporation - Defendants

This day A. M. Louis, ^{attorney for Matilda Sutton,} made oath before me, A. B. Mursey

Clerk of the said Court, that the claim of the plaintiff asserted in this suit amounts to \$73.14
with interest at 6% per annum from the 17th day Sept. 1896
as he verily believes
and is just; that there is present cause of action therefor; that the defendant: J. F. Chadwell
is not a

resident of this State; and that he (the affiant) believes the said defendant J. F. Chad-
well

has \$ estate or debts due him within the said County of Lee

Given under my hand as clerk of the said court, the day and year first above written.

A. B. Mursey Clerk

Matilda Sutton

vs.

Affidavit for Attachment

vs.

Estate of Non-Resident Debtor.

J. F. Chadwell,
et al

Filed Jan'y 2nd 1903

W B Munsey Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

Matilda Sutton

against

Plaintiff

In Chancery

J. F. Chadwell, D. C.
Norton, and the Eastern Kentucky
Road Company, a corporation

Defendants

This day

A. M. Goris

personally appeared

before me

A. B. Munsey

Clerk of the said Court,

and being duly sworn, made oath that

J. F. Chadwell, and
D. C. Norton

defendants in the said suit are not residents of the State of Virginia,

Given under my hand as Clerk of the said Court, this 2nd day of January 1903.

A. B. Munsey Clerk

Matilda Sutton

vs. }

AFFIDAVIT FOR ORDER

OF

PUBLICATION.

J. F. Chadwell
Pet ad
a. Mr. Goins. and
Duncan + Criddle p. q.

Filed Jan'y 2nd 1903
A. B. Murray Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee on the 2nd day of January 1903.

Matilda Sutton

Plaintiff

against

J. F. Chadwell, D. C. Minton
and the Eastern Kentucky
Land Company, a corporation.

Defendants

On Chancery

The object of this suit is to Collect a debt due to the
plaintiff from the defendant J. F.
Chadwell, which debt is evidenced
by a note under seal and dated on the
17th day of Sept. 1896, due one day after
date, and for the sum of \$73.14; and
for that purpose to attach and sub-
ject to the payment of said debt
the real estate of the defendant
J. F. Chadwell, situated at Cumberland
Gap in Lee County Virginia, being
lots 6. and 8 conveyed to the
said J. F. Chadwell and D. C. Minton
by the Eastern Kentucky Land Company
a corporation doing business in
Virginia

And an affidavit having been made and filed that the defendants J. F. Chadwell, & D. C.
Minton are

not resident of the State of Virginia, it is ordered that they do appear here within 15 days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the Southwest
Virginian, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

A. M. Goin & Duncan
p. q.

A. B. Munsey

Clerk.

Matilda Sutton

vs.

ORDER OF
PUBLICATION.J. F. Chadwell
et al

Virginia Lee County to-wit
I A. B. Munsey Clerk of the
Circuit Court for Lee County
do hereby certify that I
posted a copy of the within
order of Publication at the
front door of the Court house
of Lee County Va. on the
1st day of the January term
of the County Court for
said County.

This Feby 3rd 1903

A. B. Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *J. F. Lehadwell, D. C.,*
Minton and The Eastern Ry Land Company, a
Corporation, (G. B. Beckrell agent)

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the *1st* Monday in *Febry*, 190*3*, to answer a
bill in chancery exhibited against *them* in our said court by
Matilda Sutton

And have then there this writ. Witness, *A. B. MUNSEY*, Clerk of our said Court,
at the court-house, the *2nd* day of *January*, 190*3*, and in the *12th*
year of the Commonwealth.

A. B. Munsey, Clerk.

The necessary affidavit having been made and filed, the officer executing this process is directed to attach the following described real estate of J. F. Chadwell in the Town of Cumberland Gap Lee County Virginia being lots 6 & 7 fully described in Deed from Eastern Kentucky Land Co. to J. F. Chadwell & D. C. Minton recorded in Lee County Deed Book No 34 Page 74. This January the 2nd 1903. J. B. Murrey Clerk

Matilda Sutton

vs. } SUBPOENA
IN CHANCERY.

J. F. Chadwell et al

Gains, Duncan & Tidlin p. q.

To/et February Rules.

1903. Circuit Court.

Further executed this 6th day of Jan. 1903, by delivering a copy of this process, and attaching it to a ^{Process} ~~foreign corporation~~ ^{Return} to the Eastern Ky. Land Co. and to the wife of Adams Barnes, a member of the family of Adams Barnes, over the age of 16 years, at his usual place of abode, he not being found at his usual place of abode, and a return in person of Jan. 6. 1903. J. B. Murrey, S. L. C.

J. B. Murrey, S. L. C.

Deed on the following real estate of the defendant J. F. Chadwell, to-wit: Lots 6 & 7 in the Town of Cumberland Gap Lee County Va fully described in Deed from the Eastern Ky Land Company to J. F. Chadwell & D. C. Minton recorded in Deed Book No 34 Page 74. This January the 2nd 1903.

**CERTIFICATE OF
ORDER OF PUBLICATION.**

We, C. S. Cox and C. R. Sprinkle,
Editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at Jones-
ville, Lee county, Virginia, do hereby
certify that the annexed notice was
published in said paper once a week
for four successive weeks, commenc-
ing on the 10th day of

January 1903.

C. S. Cox

C. R. Sprinkle

EDITORS.

FEE, \$ 8 ⁰⁰/₁₀₀

ORDER OF PUBLICATION.

VIRGINIA In the Clerk's Office of the
Circuit Court of the County of
Lee on the 2nd day of January, 1902.

Matilda Sutton Plaintiff.

vs.

J. F. Chadwell, D. C.

Minton and the Eastern

Kentucky Land Company,

a Corporation Defendants

In Chancery.

The object of this suit is to collect a
debt due to the plaintiff from the
defendant, J. F. Chadwell, which debt
is evidenced by a note under seal, and
dated on the 17th day of September, 1896,
due one day after date, and for the
sum of \$73.14; and for that purpose to
attach and subject to the payment of
said debt the real estate of the defendant,
J. F. Chadwell, situated at Cumberland
Gap in Lee County, Virginia, being lots
C and D, conveyed to the said J. F.
Chadwell and D. C. Minton by the
Eastern Kentucky Land Company, a
Corporation, doing business in Virginia.
And an affidavit having been made
and filed that the defendants J. F. Chad-
well and D. C. Minton are not residents
of the State of Virginia, it is ordered
that they do appear here within fifteen
days after due publication hereof, and
do what may be necessary to protect
their interest in this suit. And it is further
ordered that a copy hereof, be published
once a week for four weeks in the South-
west Virginian, and that a copy be posted
at the front door of the court house of this
County on the first day of the next term of
the County Court. A copy - Test:

A. B. MUNSEY, Clerk.

Goins, Duncan & Cridlin, p. q.

Matelda Sutton

vs. { Order Publication

J. F. Chadwell et al.

Filed February 7th 1903

A. B. Mursey Clerk

Fee for this O.P. \$8⁰⁰